

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED 30(b) (6)

DEPOSITION OF STEVEN PATRICK, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 21st day of
August, 2007, in the City of Fayetteville, County of
Washington, State of Arkansas, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878



A P P E A R A N C E S

FOR THE PLAINTIFFS:

Mr. Richard Garren
Mr. David Riggs
Attorneys at Law
502 West 6th Street
Tulsa, OK 74119
-and-

Mr. Louis W. Bullock
Attorney at Law
222 South Kenosha
Tulsa, OK 74120

FOR TYSON FOODS:

Mr. Robert George
Mr. Michael Bond
Attorneys at Law
The Three Sisters Bldg.
214 West Dickson Street
Fayetteville, AR 72701
-and-
Mr. Ed Fitzpatrick

FOR CARGILL:

Ms. Theresa Noble Hill
Attorney at Law
100 West 5th Street
Suite 400
Tulsa, OK 74103
-and-
Ms. Dara Mann
Attorney at Law
90 South 7th Street
Suite 2200
Minneapolis, MN 55402

FOR SIMMONS FOODS:

Mr. John Elrod
Attorney at Law
211 East Dickson Street
Fayetteville, AR 72701

FOR PETERSON FARMS:

Mr. Scott McDaniel
Attorney at Law
320 South Boston
Suite 700
Tulsa, OK 74103

1 FOR GEORGE'S:

Mr. Paul Thompson
Attorney at Law
221 North College
Fayetteville, AR 72701

4 FOR CAL-MAINE:

Mr. Robert Sanders
Attorney at Law
2000 AmSouth Plaza
P. O. Box 23059
Jackson, MS 39225

8 FOR WILLOW BROOK:

Ms. Jennifer Griffin
Attorney at Law
314 High Street
Jefferson City, MO 65109
(Via phone)

I N D E X

W I T N E S S

P A G E

STEVEN PATRICK

Direct Examination by Mr. Riggs

6

Signature Page

289

Reporter's Certificate

290

1 (Whereupon, the deposition began at
2 9:07 a.m.)

3 VIDEOGRAPHER: We are on now on the Record
4 for the deposition of Mr. Steven Patrick. Today is
5 August 21st, 2007. The time is 9:09 a.m. Would 09:07AM
6 counsel please identify themselves for the Record?

7 MR. RIGGS: David Riggs for the State of
8 Oklahoma.

9 MR. GARREN: Richard Garren for the State
10 of Oklahoma.

11 MR. BULLOCK: Louis Bullock for the State
12 of Oklahoma.

13 MS. HILL: Theresa Hill for the Cargill
14 defendants.

15 MR. McDANIEL: Scott McDaniel for Peterson 09:07AM
16 Farms.

17 MR. THOMPSON: Paul Thompson, Junior on
18 behalf of George's.

19 MS. MANN: Dara Mann for the Cargill
20 defendants. 09:07AM

21 MR. FITZPATRICK: Ed Fitzpatrick for Tyson.

22 MR. BOND: Michael Bond for the Tyson
23 defendants and Cobb-Vantress.

24 MR. GEORGE: Robert George for the Tyson
25 defendants. 09:08AM

1 MR. SANDERS: Bob Sanders for the Cal-Maine
2 defendants.

3 VIDEOGRAPHER: Thank you. The witness may
4 be sworn in.

5 STEVEN PATRICK
6 having first been duly sworn to testify the truth,
7 the whole truth and nothing but the truth, testified
8 as follows:

9 DIRECT EXAMINATION

10 BY MR. RIGGS: 09:08AM

11 Q Would you state your name, please?

12 A Steven Wayne Patrick.

13 Q By whom are you employed, Mr. Patrick?

14 A Tyson Foods.

15 Q What is your job title? 09:08AM

16 A I am the director of EHS services.

17 Q What does EHS mean?

18 A Environmental health and safety.

19 Q How long have you held that position?

20 A I have been a director for three and a half 09:08AM

21 years, that entire time over environmental but also
22 in the past two years the health and safety became a
23 part of the responsibilities.

24 Q When did you first go to work for Tyson?

25 A In 2003. 09:09AM

1 Q Where did you work prior to that?

2 A G. B. Mack & Associates.

3 Q What kind of business is that?

4 A It is an environmental consulting firm.

5 Q Where are they located?

09:09AM

6 A In Bryant, Arkansas.

7 Q How long have you been employed for them?

8 A Three years.

9 Q Can you give me your educational background,
10 just a summary of it?

09:09AM

11 A I'm a civil engineer. I went to Christian
12 Brothers University in Memphis, Tennessee.

13 Q What's your degree?

14 A Civil engineering.

15 Q Is it a bachelors degree?

09:09AM

16 A A bachelors degree.

17 Q Do you have any formal education past your
18 bachelors degree?

19 A No masters or anything like that, no.

20 Q Have you worked on any other kind of job
21 involving environmental issues?

09:09AM

22 A Yes.

23 Q What was that?

24 A I worked for the State of Mississippi in 1992
25 and I've worked for the State of Arkansas.

09:09AM

1 MR. GEORGE: Object to form.

2 A I thought you asked me questions about our
3 auditing program.

4 Q I did. I'm trying to find out why you don't
5 audit them since they have environmental
6 implications.

11:34AM

7 MR. GEORGE: Object to form.

8 A We audit our permits. We audit those kinds of
9 issues. So I would go back to the purpose of the
10 audit is to see how we are complying with the
11 regulatory requirements and our permits, and we do
12 not have permits. I'm not following how you are
13 making the transition to the company-owned farms.

11:34AM

14 Q I guess I simply need to ask you, why do you
15 limit it to just those permitted operations and not
16 other operations that have an impact on the
17 environment?

11:34AM

18 MR. GEORGE: Objection, asked and answered
19 at least three times.

20 MR. RIGGS: No, he hasn't answered it yet.
21 I wouldn't keep asking him. I don't want to waste
22 my time. I don't have enough time as it is.

11:34AM

23 MR. GEORGE: Well, you're wasting it. Go
24 ahead.

25 A The purpose of our auditing program is to

11:34AM

1 verify we are complying with our permits, which we
2 consider our priority. That is our priority.
3 That's the regulations the government has put in
4 place, and we want to make sure that we go out and
5 audit those issues.

11:35AM

6 Q Does Tyson participate or expect its employees
7 to participate in conferences and meetings of
8 various kinds which deal with environmental issues?

9 A Can you be more specific?

10 Q Well, for example, Governor Clinton had a task
11 force back in the early 1990's regarding poultry
12 waste management and environmental concerns --

11:35AM

13 MR. GEORGE: Object to form.

14 Q -- in connection with it. Did Tyson
15 participate in the Governor Clinton task force
16 meetings?

11:35AM

17 A I am not aware about that meeting that would
18 have happened and those conference calls that would
19 have happened, if Tyson would have participated.

20 Q Are you familiar with the work of the Poultry
21 Federation, used to be called Arkansas Poultry
22 Federation?

11:36AM

23 A Yes.

24 Q Does Tyson participate in any way in those
25 meetings?

11:36AM

1 A Yes.

2 MR. GEORGE: David, I'm sorry, what topic
3 are we on?

4 MR. RIGGS: We're on any one of several of
5 those having to do with -- these are predicate 11:36AM
6 questions to development of the best management
7 practices, which is referenced throughout those,
8 because this is where -- that's where they came from
9 and I'm finding out if he has any knowledge about
10 those. 11:36AM

11 MR. GEORGE: I completely disagree with
12 that statement or misstatement of fact and here's
13 the reason.

14 MR. RIGGS: It's not a misstatement of
15 fact. Go ahead. 11:36AM

16 MR. GEORGE: You and I have a difference of
17 opinion on that. Topic 29 asks for a witness to be
18 presented to discuss the company's -- I think 28 as
19 well -- company's involvement with a list of
20 entities, including the Poultry Federation, and Mr. 11:37AM
21 Patrick is not that witness. To the extent that's
22 where you are going, it's the wrong witness.

23 MR. RIGGS: I'm not using it for that
24 purpose and I'm not limiting my questions to that
25 purpose, and I have a right to ask if this company 11:37AM

1 from poultry farming.

2 MR. GEORGE: We're not going to have the
3 witness read this question and answer in the Record
4 at this deposition because it's outside the scope of
5 this notice. So I instruct the witness not to
6 answer.

11:43AM

7 Q Do you agree in general with the testimony Mr.
8 Schaffer gave about when the company first became
9 aware that there were potential environmental
10 impacts resulting from poultry farming?

11:44AM

11 A I'm not aware of his testimony.

12 Q That's why I gave you the transcript of it.

13 A And I have not read it at the advice of my
14 counsel.

15 MR. GEORGE: We're not going to have this
16 witness read deposition transcripts from another
17 witness in another case involving another watershed.
18 So, Mr. Riggs, this is outside the area of the
19 notice. We're not going there.

11:44AM

20 MR. RIGGS: You presented a witness with
21 only three or four years experience with the
22 company, and obviously we have a need to know about
23 the company's knowledge further back than that, and
24 it's covered under numerous of these areas of
25 inquiry we're entitled to inquire about. So I'll

11:44AM

11:44AM

1 continue to ask the questions and you can direct him
2 how you will.

3 Q Do you agree, Mr. Patrick, that Mr. Schaffer
4 testified under oath on July 25th, 2002, that he
5 knew the company was aware of the potential
6 environment impact resulting from poultry farming at
7 least as early as 1991 when he came to work for
8 them?

11:45AM

9 MR. GEORGE: Same objection. Instruct the
10 witness not to answer. David, one more statement,
11 and, that is, to the extent you think these are tied
12 to a particular topic in your notice, if you want to
13 ask the questions in your notice, feel free to and
14 this witness is prepared to testify on behalf of
15 Tyson Foods with regard to those. If you want to
16 ask this witness whether he agrees about some other
17 statement given by another witness in another case,
18 that's not in your notice.

11:45AM

11:45AM

19 Q Do you agree with Mr. Schaffer's testimony
20 regarding when the company first became aware --

11:45AM

21 MR. GEORGE: Same objection, same
22 instruction.

23 Q Do you personally know when the company first
24 became aware of the environmental impacts resulting
25 from poultry farming?

11:46AM

1 MR. GEORGE: Object to form. Answer, if
2 you can.

3 A No.

4 Q Did you ask anybody in the company who had
5 been there longer than you about when the company
6 first had knowledge of the potential environmental
7 impact from poultry farming?

11:46AM

8 A I have not specifically went and asked about
9 if and when poultry litter was impacting -- having a
10 negative environmental impact, no.

11:46AM

11 Q You didn't talk to anybody at all in the
12 company about that?

13 A The way you phrased the question, no, I
14 haven't went out to say when did we become aware of
15 an issue. I don't -- not the way you phrased the
16 question, no.

11:46AM

17 Q Look at Item No. 14 on the areas of inquiry
18 you were directed to prepare yourself on. Look at
19 No. 15 and look at No. 16 and look at No. 17.

20 A Okay.

11:47AM

21 Q What did you do to find out the corporate
22 knowledge and the awareness on those issues?

23 A I looked through my records. I looked through
24 and talked to some other individuals, and no one
25 that I am aware of has knowledge of poultry litter

11:47AM

1 in the Illinois River watershed causing an
2 environmental impact.

3 Q This is why I have asked you to look at Mr.
4 Tyson -- I'm trying to help you answer my questions
5 today because you didn't go to the trouble of
6 talking to the people with institutional knowledge.

11:48AM

7 MR. GEORGE: Object to the argument by
8 counsel. You are directing him to testimony of
9 another witness in another case. Your topics in
10 this notice are specific to the Illinois River
11 watershed.

11:48AM

12 Q Who did you talk to if not Mr. Schaffer?

13 A I have talked to Jamie -- I mean in a
14 different context, I have talked to Jamie Burr. I
15 have talked to my counsel. I have talked to Patrick
16 Pilkington. I've talked to Jimmy Mardis. I'm
17 trying to think of -- within Tyson only; is that the
18 question?

11:48AM

19 Q Right.

20 A Okay. I had conversations with Kevin Igli.
21 Those are the primary individuals.

11:48AM

22 Q Do you know that Mr. Schaffer testified
23 that -- it actually would have been in the late
24 1980's that Tyson actually became aware of the
25 potential environmental impacts as a result of

11:49AM

1 A I do not know all the specifics of that but I
2 believe that is individuals looking at some of the
3 options of using and alternative uses of poultry
4 litter but I'm not -- I have not done a lot of
5 research on the poultry consortium.

01:54PM

6 Q Are you familiar with something called the
7 poultry water quality handbook?

8 A Not off the top of my head.

9 Q You don't know what it is?

10 A I'm not saying I don't know what it is. I
11 would need to look at the document to recollect my
12 memory.

01:55PM

13 Q I hand you Exhibit 25.

14 MR. GEORGE: David, I don't recognize the
15 Bates number. Can you tell us the source?

01:55PM

16 MR. RIGGS: I think it was from a grower, a
17 Mr. Pigeon.

18 MR. GEORGE: I'm sorry, I don't mean to
19 interrupt. You recognize he's not a grower for
20 Tyson?

01:55PM

21 MR. RIGGS: Right.

22 MR. BOND: Actually he's a grower for more
23 than one integrator.

24 MR. GEORGE: Right. This is not a document
25 we produced. That's what I wanted to confirm.

01:55PM

1 MR. BOND: I can confirm that.

2 Q Have you ever seen Exhibit 25 before?

3 A I don't recall seeing this document.

4 Q Would you turn to page -- it's the fourth page

5 of the exhibit but it's Bates stamped at the bottom, 01:56PM

6 it says Pigeon 0495. Do you see the second

7 paragraph where it says, other major contributors

8 who have given their time and knowledge to help

9 organize and write this handbook are the following

10 and about two-thirds of the way down it lists the 01:57PM

11 name Ellis Brunton, Tyson Foods, Inc., Springdale,

12 Arkansas; do you see that?

13 A Yes.

14 Q Who is Ellis Brunton?

15 A He is an individual who used to work for Tyson 01:57PM

16 and he retired.

17 Q Do you know what his job was when he worked

18 for Tyson?

19 A I do not know the specific title but I

20 believe -- thought -- I believe, I need to verify, 01:57PM

21 but I believe he worked on the -- I'm going to

22 say -- I don't want to speculate. I believe I know

23 but I'm not exactly sure, so I'd rather not --

24 Q Was he working for Tyson when you joined

25 Tyson? 01:57PM

1 A Yes.

2 Q Do you know how long he worked for Tyson?

3 A I do not know the exact time. I know he
4 retired from Tyson and had been here for a while.

5 Other than that, I don't know the exact time. 01:58PM

6 Q You've never discussed the poultry water
7 quality handbook with him?

8 A No.

9 Q Do you know if Tyson made this handbook
10 available to its growers? 01:58PM

11 A No, I do not know that.

12 Q Was Mr. Brunton employed in the environmental
13 division of Tyson?

14 A Not that I'm aware of, no. He was not when I
15 was with the company but I don't believe he was ever 01:58PM
16 part of the environmental team. I think he was part
17 of the QA team.

18 Q Have you had a discussion with anybody in the
19 company regarding the poultry water quality
20 handbook? 01:58PM

21 A No.

22 Q Would you look at Page 514 of this document?

23 It's Pigeon 0514 at the bottom. Do you see the
24 heading at the very top of that page that says
25 poultry waste management? 01:59PM

1 A On 514?

2 Q Yes.

3 A Oh, yes.

4 Q At the very top and then all the way over to

5 Page 540, do you see that that is at the top of all

01:59PM

6 of those pages from 514 to 540?

7 A Not 530 or 526 or 520, but in most of them.

8 Q From 515 to 541, that section of the poultry

9 water quality handbook deals with the topic of

10 poultry waste management; wouldn't you agree?

02:00PM

11 MR. GEORGE: Object to form.

12 A Well, I haven't seen this but that's the

13 title.

14 Q On Page 514 would you look at the lower

15 right-hand column where it says phosphorus; do you

02:00PM

16 see that?

17 A Yes.

18 Q Just below that it says if it is used

19 improperly, phosphorus can also contribute to

20 environmental and water quality problems. It can be

02:00PM

21 a major cause of water quality degradation in

22 surface waters. Does Tyson agree with that

23 statement?

24 MR. GEORGE: Object to form. David, you've

25 read this witness two sentences out of a lengthy

02:01PM

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss.
 COUNTY OF TULSA)

I, Lisa A. Steinmeyer, Certified
 Shorthand Reporter within and for Tulsa County,
 State of Oklahoma, do hereby certify that the above
 named witness was by me first duly sworn to testify
 the truth, the whole truth and nothing but the truth
 in the case aforesaid, and that I reported in
 stenograph his deposition; that my stenograph notes
 were thereafter transcribed and reduced to
 typewritten form under my supervision, as the same
 appears herein.

I further certify that the foregoing 289
 pages contain a full, true and correct transcript of
 the deposition taken at such time and place.

I further certify that I am not attorney
 for or relative to either of said parties, or
 otherwise interested in the event of said action.

WITNESS MY HAND AND SEAL this 9th day of
 September, 2007.

 LISA A. STEINMEYER, CRR
 CSR No. 386